

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DAVID J. WHITEFOOT, and
ELENA R. WHITEFOOT

PLAINTIFFS

V.

CAUSE NO. 1:14-CV-113-SA-DAS

SHERIFF OF CLAY COUNTY, et al.

DEFENDANTS

ORDER

On September 18, 2017 this Court entered an Order [172] dismissing this case with prejudice as a sanction for the Plaintiffs' failure to appear for trial and failure to appear at the Final Pre-trial Conference. Now before the Court is the Plaintiffs' Motion Alter or Amend [180] pursuant to Federal Rule of Civil Procedure 59(e). The Plaintiffs now request that this Court modify its previous order denying the Plaintiffs previous request for a separate order. *See* Motion [174], Order denying [176].

The Plaintiffs' instant request to alter or amend comes nearly six months after the Court finally dismissed this case, and as such, is far outside the twenty-eight day limit prescribed by Rule 59(e). As the Court set out in detail in its previous orders, the Court's signed docket entry [172] and the attendant Order [172] fully comply with the requirements of the separate order rule as set out in Federal Rule of Civil Procedure 58. In addition, the Plaintiffs numerous filings, and the representations within, demonstrate that the Plaintiffs were fully and timely aware of the final dismissal of this case. The instant motion is merely the Plaintiffs' latest attempt to manipulate the procedural rules to prolong this litigation and delay finality.

For these reasons, and for all the reasons set out in the Court's previous Orders, [172], [176], and [177], the Plaintiffs' Motion to Alter or Amend [180] is DENIED.

SO ORDERED on this, the 1st day of June, 2018.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE